

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

MOREHOUSE ENTERPRISES, LLC d/b/a BRIDGE CITY ORDNANCE; ELIEZER JIMENEZ; GUN OWNERS OF AMERICA, INC.; GUN OWNERS FOUNDATION; STATE OF ARIZONA; STATE OF WEST VIRGINIA; STATE OF ALASKA; STATE OF ARKANSAS; STATE OF IDAHO; STATE OF INDIANA; STATE OF KANSAS; COMMONWEALTH OF KENTUCKY; STATE OF LOUISIANA; STATE MISSOURI; STATE OF MONTANA; STATE OF NEBRASKA; STATE OF OKLAHOMA; STATE OF SOUTH CAROLINA; STATE OF TEXAS; STATE OF UTAH; and STATE OF WYOMING,

Plaintiffs-Appellants,

v.

BUREAU OF ALCOHOL, TOBACCO, FIREARMS AND EXPLOSIVES; UNITED STATES DEPARTMENT OF JUSTICE; and STEVEN M. DETTELBACH as the DIRECTOR OF ATF,

Defendants-Appellees.

On Appeal from the United States District Court
for the District of North Dakota
The Honorable District Court Judge Peter D. Welte
Case No. 3:22-cv-116

PLAINTIFFS-APPELLANTS' MOTION TO EXCEED WORD
LIMITS

Come now, Plaintiffs-Appellants, by and through counsel, pursuant to 8th Cir. R. 27(A)(a)(1), and for good cause, file this Motion to Exceed Word Limits for Plaintiffs-Appellants' Motion for Injunction Pending Appeal, and in support state as follows:

1. Due to the size and complexity of the Final Rule being challenged, the length of Defendants' Opposition in the district court below, the complex issues of federal law involved, the involvement of private parties along with seventeen sovereign states as Plaintiffs-Appellants—which in itself enhances judicial economy by bringing like claims together—and the necessity to provide the Court with the briefing required to address multiple issues of law, it is necessary to exceed the word limitations set by FRAP 27(d)(2).

2. Plaintiffs have made efforts to minimize the length of their brief by choosing to address a representative sample of the errors below justifying an injunction pending appeal, rather than address each point made in the district court's Opinion and Order.

3. As such, Plaintiffs seek an enlargement of the word limitation set forth by FRAP 27(d)(2) of 5,200 words to a total of 7,200 words for Plaintiffs-Appellants' Motion for Injunction Pending Appeal.

4. Plaintiffs respectfully submit they have established good cause, and request the Court allow them to exceed the word limitations by filing a Motion for Injunction Pending Appeal not to exceed 7200 words in length.

5. Plaintiffs' counsel conferred with counsel for Defendants who stated that they take no position on Plaintiffs-Appellants' motion to file a Motion for Injunction Pending Appeal not exceeding 7,200 words, but request a similar expansion of words for their response.

Respectfully Submitted,

Date: September 7, 2022

/s/ Stephen D. Stamboulieh
Stephen D. Stamboulieh (MS # 102784)
Stamboulieh Law, PLLC
P.O. Box 428
Olive Branch, MS 38654
(601) 852-3440
stephen@sdslaw.us

Robert J. Olson (VA # 82488)
William J. Olson, PC
370 Maple Ave. West, Suite 4
Vienna, VA 22180-5615
703-356-5070 (T)
703-356-5085 (F)
wjo@mindspring.com

Robert B. Stock (ND # 05919)
Vogel Law Firm

218 NP Avenue
Fargo, ND 58107-1389
701-237-6983 (T)
701-237-0847 (F)

rstock@vogellaw.com

For service: rbslitgroup@vogellaw.com

*Counsel for Morehouse Enterprises, LLC d/b/a Bridge City Ordnance,
Eliezer Jimenez, Gun Owners of America, Inc., and Gun Owners
Foundation*

MARK BRNOVICH
Attorney General of Arizona

MICHAEL CATLETT*

Deputy Solicitor General

ANTHONY NAPOLITANO*

Assistant Attorney General

ARIZONA ATTORNEY GENERAL'S OFFICE

2005 N. Central Ave.

Phoenix, Arizona 85004

(602) 542-8860

Michael.Catlett@azag.gov

Anthony.Napolitano@azag.gov

Counsel for Plaintiff State of Arizona

PATRICK MORRISEY
Attorney General of West Virginia

LINDSAY SEE*

Solicitor General

MICHAEL R. WILLIAMS*

Senior Deputy Solicitor General

OFFICE OF THE WEST VIRGINIA ATTORNEY GENERAL

State Capitol, Bldg 1, Room E-26

Charleston, WV 25305

(681) 313-4550

Lindsay.S.See@wvago.gov
Michael.R.Williams@wvago.gov
Counsel for Plaintiff State of West Virginia

TREG R. TAYLOR
Attorney General of Alaska

AARON C. PETERSON*
Senior Assistant Attorney General
Alaska Department of Law
1031 W. 4th Avenue #200
Anchorage, AK 99501
Aaron.peterson@alaska.gov
(907) 269-5165
Counsel for Plaintiff State of Alaska

LESLIE RUTLEDGE
Arkansas Attorney General

NICHOLAS J. BRONNI
Arkansas Solicitor General
DYLAN L. JACOBS
Deputy Solicitor General
OFFICE OF THE ARKANSAS ATTORNEY GENERAL
323 Center Street, Suite 200
Little Rock, Arkansas 72201
(501) 682-2007
Nicholas.bronni@arkansasag.gov
dylan.jacobs@arkansasag.gov
Counsel for Plaintiff State of Arkansas

LAWRENCE G. WASDEN
Attorney General of Idaho

DAYTON REED*

Deputy Attorney General
OFFICE OF THE IDAHO ATTORNEY GENERAL
P.O. Box 83720
Boise, ID 83720-0010
(208) 334-2400
dayton.reed@ag.idaho.gov
Counsel for Plaintiff State of Idaho

THEODORE E. ROKITA
Indiana Attorney General

BETSY M. DENARDI*
Director of Complex Litigation
Indiana Government Center South
302 W. Washington St., 5th Floor
Indianapolis, IN 46204
(317) 232-6201
Betsy.DeNardi@atg.in.gov
Counsel for Plaintiff State of Indiana

DEREK SCHMIDT
Attorney General of Kansas

BRANT M. LAUE*
Solicitor General
OFFICE OF KANSAS ATTORNEY GENERAL
120 SW 10th Avenue, 3rd Floor
Topeka, KS 66612-1597
(785) 368-8435 Phone
Brant.Laue@ag.ks.gov

DANIEL CAMERON
Attorney General of Kentucky

MATTHEW KUHN

Solicitor General
OFFICE OF THE ATTORNEY GENERAL OF KENTUCKY
700 Capital Avenue, Suite 118
Frankfort, Kentucky 40601
Phone: (502) 696-5300
Matt.Kuhn@ky.gov
Counsel for Plaintiff Commonwealth of Kentucky

JEFF LANDRY
Attorney General of Louisiana

ELIZABETH B. MURRILL*
Solicitor General
LOUISIANA DEPARTMENT OF JUSTICE
1885 N. Third Street
Baton Rouge, Louisiana 70804
(225) 326-6766
murrille@ag.louisiana.gov
Counsel for Plaintiff State of Louisiana

ERIC S. SCHMITT
Attorney General of Missouri

D. JOHN SAUER
Solicitor General
OFFICE OF THE ATTORNEY GENERAL OF MISSOURI
Supreme Court Building
207 W. High Street
P.O. Box 899
Jefferson City, MO 65102
(573) 751-8870
John.Sauer@ago.mo.gov
Counsel for Plaintiff State of Missouri

AUSTIN KNUDSEN

Attorney General of Montana

DAVID M.S. DEWHIRST*

Solicitor General

KATHLEEN L. SMITHGALL*

Assistant Solicitor General

MONTANA DEPARTMENT OF JUSTICE

P.O. Box 201401

Helena, MT 59620-1401

Phone: (406) 444-2026

david.dewhirst@mt.gov

kathleen.smithgall@mt.gov

Counsel for Plaintiff State of Montana

DOUGLAS J. PETERSON

Attorney General of Nebraska

JAMES A. CAMPBELL

Solicitor General

Office of the Nebraska Attorney General

2115 State Capitol

Lincoln, NE 68509

(402) 471-2682

jim.campbell@nebraska.gov

Counsel for Plaintiff State of Nebraska

JOHN M. O'CONNOR

Attorney General of Oklahoma

BRYAN CLEVELAND

Deputy Solicitor General

OKLAHOMA ATTORNEY GENERAL'S OFFICE

313 NE 21st St.

Oklahoma City, OK 73105

(405) 522-1961

Bryan.cleveland@oag.ok.gov

Counsel for Plaintiff State of Oklahoma

ALAN WILSON
Attorney General of South Carolina

J. EMORY SMITH, JR.*
Deputy Solicitor General
OFFICE OF THE ATTORNEY GENERAL OF SOUTH CAROLINA
P.O. Box 11549
Columbia, SC 29211
(803) 734-3680
Email: ESmith@scag.gov
Attorneys for Plaintiff State of South Carolina

KEN PAXTON
Attorney General of Texas

AARON F. REITZ*
Deputy Attorney General for Legal Strategy
CHARLIE ELDRED*
Special Counsel for Legal Strategy
OFFICE OF THE ATTORNEY GENERAL OF TEXAS
P.O. Box 12548
Austin, Texas 78711-2548
(512) 936-1700
Aaron.Reitz@oag.texas.gov
Charles.Eldred@oag.texas.gov
Counsel for Plaintiff State of Texas

SEAN D. REYES
Attorney General of Utah

MELISSA A. HOLYOAK*
Solicitor General
OFFICE OF THE UTAH ATTORNEY GENERAL

350 N. State Street, Suite 230
Salt Lake City, UT 84114
(801) 366-0260
Email: melissaholyoak@agutah.gov
Counsel for Plaintiff State of Utah

BRIDGET HILL
Attorney General of Wyoming

RYAN SCHELHAAS*
Chief Deputy Attorney General
OFFICE OF THE WYOMING ATTORNEY GENERAL
109 State Capitol
Cheyenne, WY 82002
Tel: (307) 777-5786
ryan.schelhaas@wyo.gov
Counsel for Plaintiff State of Wyoming

* *Application for Admission Forthcoming*

CERTIFICATE OF COMPLIANCE

This motion complies with the type-volume limit of Fed. R. App. P. 27(d)(2)(A) because, excluding the parts exempted by Fed. R. App. P. 32(f), it contains 269 words as determined by the word-counting feature of Microsoft Word 365.

This motion also complies with the typeface requirements of Fed. R. App. P. 32(a)(5) and the type-style requirements of Fed. R. App. P. 32(a)(6) because it has been prepared using Microsoft Word 365 in 14-point proportionally spaced Century Schoolbook font.

And this motion complies with the electronic-filing requirements of Local Rule 28A(h)(2) because it was scanned for viruses using Kaspersky Internet Security and no virus was detected.

/s/ Stephen D. Stamboulieh
Stephen D. Stamboulieh

CERTIFICATE OF SERVICE

I certify that on September 7, 2022, I electronically filed the foregoing motion with the Clerk of the Court by using the CM/ECF system, and that the CM/ECF system will accomplish service on all parties represented by counsel who are registered CM/ECF users.

/s/ Stephen D. Stamboulieh
Stephen D. Stamboulieh